

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-1406

\$599,274.58, MORE OR LESS,
IN UNITED STATES CURRENCY,

Defendant.

(Diane E. Shafer, M.D.,
No pending federal criminal charges)

PROPOSED PLAN

In response to a telephonic inquiry by the Court on August 15, 2011, the plaintiff, United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney, and claimant Diane E. Shafer, M.D., by her counsel, Dwane L. Tinsley, Esquire, have conferred by telephone and email correspondence on August 19, 22 and 29, 2011, and hereby submit this proposed plan for the just, speedy and inexpensive determination of this action:

1. Plaintiff should be allowed until September 21, 2011, to join additional parties and to amend the pleadings;

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

a. Discovery will be needed on the issues of (1) the connection between the defendant currency and criminal activity,

including but not limited to sources of income; and (2) innocent ownership.

b. This civil action is not suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences.

c. The last date to serve discovery requests is March 22, 2012. The last date on which to take a discovery deposition is May 7, 2012. The last date on which to take a discovery deposition is known as the "discovery completion date." All discovery is to be completed in this civil action by May 7, 2012.

d. The parties adopt the following discovery limits in this civil action:

(1) A maximum of 40 interrogatories by each party to any other party. Responses shall be due as required by Fed.R.Civ.P. 33.

(2) A maximum of 40 requests for production of documents by each party to any other party. Responses shall be due as required by Fed.R.Civ.P. 34.

(3) A maximum of 40 requests for admission by each party to any other party. Responses shall be due as required by Fed.R.Civ.P. 36.

(4) A maximum of 20 depositions by plaintiff and a combined total of 20 depositions by the claimant.

e. Reports from retained experts under Fed.R.Civ.P. 26(a)(2) shall be due from plaintiff on March 8, 2012, and from claimant on April 9, 2012. Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party shall be in accordance with Fed.R.Civ.P. 26(a)(2) and shall be due by April 23, 2012.

f. Supplementations under Fed.R.Civ.P. 26(e) shall be served as required by the Federal Rules of Civil Procedure.

g. Electronically stored evidence: At the present time, it is not anticipated that disclosure of electronically stored information will be necessary but, in the unlikely event it becomes necessary, all electronically stored information subject to discovery shall be disclosed in accordance with the Federal Rules of Civil Procedure, with each party reserving the right to assert proper objections.

3. Magistrate Judges will resolve discovery disputes.

4. Mediation, if jointly requested by the parties or ordered by the Court, shall take place on or before June 6, 2012.

5. Potential dispositive motions shall be filed by May 29, 2012, with responses and replies due and to be filed in accordance with the Local Rules.

6. Pretrial Order and Pretrial Conference.

(a) The plaintiff shall complete its portion of the pretrial order and submit it to the claimant on or before August 21, 2012.

(b) The claimants shall compile a proposed integrated pretrial order and submit it to the chambers of the presiding judicial officer on or before August 28, 2012.

(c) The parties request a pretrial conference during the week of September 4, 2012.

7. Final lists of witnesses under Fed.R.Civ.P. 26(a)(3) shall be due from the plaintiff on August 10, 2012, and from the claimant on August 17, 2012. Objections to the final lists of witnesses and exhibits are due on August 31, 2012.

8. Proposed findings of fact and conclusions of law shall be exchanged and transmitted to the chambers of the presiding judicial officer on or before September 4, 2012.

9. A final settlement conference shall take place one day prior to the trial.

10. This case should be ready for trial during the week of September 18, 2012, and at this time, the trial is expected to take 2-3 trial days to complete.

The parties do not request a conference with the Court before the entry of the scheduling order.

DATED: This 29th day of August, 2011.

UNITED STATES OF AMERICA,
Plaintiff

By Counsel

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